

REMARKS

Summary of Office Action

This Amendment is responsive to the Office Action mailed on June 6, 2007. In the Office Action, all pending claims, claims, claims 1-16, have been rejected. Claims 1, 3, 4, 6-9, 11, 12 and 14-16 stand rejected under 35 USC 103(a) as unpatentable over Ozaki (JP10-031265) in view of Homma (US Patent No. 6,950,126). Claims 2 and 10 stand rejected under 35 USC 103(a) as unpatentable over Ozaki in view of Homma and Ogino (JP11-168646). Claims 5 and 13 stand rejected under 35 USC 103(a) as unpatentable over Ozaki in view of Homma and Chen (US Patent No. 6,950,126). As explained below, Applicants respectfully submit that the pending claims are not obvious over the cited prior art for at least the reason that the prior art, alone or in combination, does not teach, suggest or render obvious, a portable terminal that outputs a predetermined announcement upon a change of mode to a camera mode.

Claims 1, 3, 4, 6-9, 11, 12 and 14-16

Claims 1, 3, 4, 6-9, 11, 12 and 14-16 stand rejected under 35 USC 103(a) as unpatentable over Ozaki (JP10-031265) in view of Homma (US Patent No. 6,950,126). Independent claims 1, 7, 9 and 15 have in common, at least, the following: in the method claims (claims 1 and 7), the portable terminal performs the step of outputting a predetermined announcement sound in response to a change to camera mode, and similarly in the apparatus claims (claims 9 and 15) there is a control section that outputs a predetermined announcement sound in response to a change to the camera mode. This aspect of outputting a predetermined announcement sound in response to a change to a camera mode is not disclosed or suggested in either Ozaki or Homma. Accordingly, the combination of those references fails to render obvious any of independent claims 1, 7, 9 and 15 for that reason alone. For the same reasons, the

dependent claims, claims 2, 3, 4, 5, 6, 8, 10-14 and 16 are not obvious over the combination of Ozaki and Homma.

Ozaki is directed to a camera device and for that reason, as acknowledge in the Office Action, operates only in a camera mode. The Office Action points to no disclosure or suggestion in Ozaki that the camera device is switched between the camera mode and some other functionality. Accordingly, Ozaki fails to disclose either a method or apparatus for detecting a change in mode from a first mode to a camera mode; the Ozaki camera device is always in camera mode. Absent such a teaching or suggestion, Ozaki also fails to disclose or suggest issuing a predetermined announcement in response to a change to camera mode.

Homma is directed to a portable terminal having both a communication mode and a camera mode. However, Homma does not disclose outputting a predetermined announcement sound in response to a change to the camera mode. Rather, in Homma, only an incoming call is announced. The portable terminal of Homma does not detect a change to the camera mode and does not announce that the device has been changed to the camera mode. As explained in Homma, it is an object of the invention to "provide a camera, having a communication ability and ability of announcing an incoming call by vibration, which does not receive bad influence from the vibration." Homma at Col. 1, lines 62-65. In other words, the device of Homma is concerned with an incoming call interfering with the taking of pictures or video, not with privacy. To that end, the device is programmed to vibrate in response to incoming calls during video mode. Thus, Homma does not disclose or suggest a device that alerts the user or others with a predetermined announcement that the device has been changed to a camera mode.

Notwithstanding the absence of any suggestion or teaching of a device that outputs a predetermined announcement in response to a change to camera mode, the Office Action concludes it would have been obvious to one of ordinary skill in the art to incorporate the

method of Ozaki into the portable terminal of Homma. Applicants respectfully disagree that the combination of Ozaki and Homma would result in the claimed device. At best, if Ozaki were combined with Homma., it might be argued that it would be possible to announce an incoming call when the incoming call is detected while operating the camera mode. However, from the combination of Ozaki and Homma, it is impossible to arrive at a portable terminal that announces when it has been changed to a camera. Accordingly, the combination of those references fails to render obvious any of independent claims 1, 7, 9 and 15. For the same reasons, the dependent claims, claims 2, 3, 4, 5, 6, 8, 10-14 and 16 are not obvious over the combination of Ozaki and Homma.

Claims 7 and 15 recite a method and apparatus, respectively, that detects that an image-capturing button has been half-pressed in order to determine the timing just before capturing an image. An object of the invention as recited in claims 7 and 15 is to announce to surrounding people the possibility that image capturing has started, before an image is captured. Homma does not teach such an announcement. Rather, Homma discloses detecting that a start button is **fully** depressed in order to determine whether a camera is in a state of shooting. The technique of Homma determining that a camera is in the state of shooting does not render obvious a method or device that detects that an image-capturing button has been half-pressed in order to determine the timing just before capturing an image as recited in claims 7 and 15. Thus, for this additional reason, claims 7 and 15 (and their dependent claims) are not rendered obvious by the combination of Ozaki and Homma.

The invention as recited in claims 4 and 12 announces to surrounding people the possibility that image capturing has started, before an image is captured. The invention as recited in claims 4 and 12 stops the output of an announcement sound in order to prevent the announcement sound from being recorded. Homma does not teach or suggest this aspect of the

method and device recited in claims 4 and 12, respectively. Thus, those claims are not rendered obvious by the cited prior art.

Claims 2 and 10

Claims 2 and 10 stand rejected under 35 USC 103(a) as unpatentable over Ozaki in view of Homma and Ogino (JP11-168646). Claims 2 and 10, which are dependent on claims 1 and 9, respectively, are not obvious over the cited art for the same reasons claims 1 and 9 are not obvious. In addition, claim 2 recites that the predetermined announcement sound is output each time a fixed period of time has elapsed in camera mode, and claim 10 recites a timing section that outputs a signal each time a fixed period of time elapses and wherein the control section causes the output of a predetermined announcement sound whenever the signal is output from the timing section. Ogino does not disclose such a timing section for outputting the predetermined announcement sound. Furthermore, Ogino does not cure the deficiencies in Ozaki and Homma and therefore does not render obvious claims 2 and 10.

Claims 5 and 13

Claims 5 and 13 stand rejected under 35 USC 103(a) as unpatentable over Ozaki in view of Homma and Chen (US Patent No. 6,950,126). Claims 5 and 13, which are dependent on claims 1 and 9, respectively, are not obvious over the cited art for the same reasons claims 1 and 9 are not obvious. In addition, claim 5 recites that the announcement sound is coordinated with the luminance around the portable terminal, and claim 13 recites a measuring section that is used by the control section to coordinate announcement sound with the luminance around the portable terminal. For those aspects of claims 5 and 13, the Office Action relies on Chen. However, Chen is directed to a "photo monitoring apparatus which detects ambient light intensity and gives visual and audio warning signal when the intensity of ambient light drops below a predetermined value." Chen at Col. 1, lines 5-9. Chen is not directed to a portable

terminal having a camera mode and a communication mode. Indeed, Chen is not even directed to a camera. Accordingly, Chen fails to disclose that the change in light intensity is used to trigger an alarm when changing to a camera mode. The Office Action provides no basis why it would have been obvious to incorporate the photo monitoring apparatus of Chen with the devices of Ozaki and Homma to arrive at the method and device of claims 5 and 13, respectively. Thus, claims 5 and 13 are not rendered obvious by the combination of Ozaki, Homma and Chen.

For at least the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

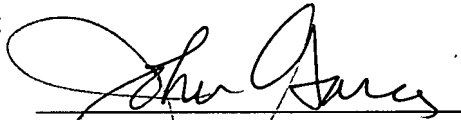
Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0048.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorney for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: September 6, 2007
New York, New York

By:


John C. Garces, Esq.
Reg. No. 40,616